REMARKS

The invention of claim 1 as amended provides an electronic toy gun for a toy shooting game, in which there are <u>a plurality of user-selectable game characters</u>, each having differing predetermined characteristics such as weapons, armor rating, weapon speed rating, vulnerability, weapon beam range, and weapon beam width.

The user inputs game data input corresponding to a selected character into a game data input device. An infrared beam emitted by the toy gun is encoded according to the characteristics of the selected game character, so that an opponent can detect the characteristics of the game character.

The invention provides a novel toy shooting game in which the different players can adopt the "roles" of the predetermined user-selectable "characters." This provides a distinctive game experience that is not comparable to toy shooting game in which the users merely select different weapons capabilities that have nothing to do with specific "character" roles having <u>predetermined</u> characteristics.

For example, page 5, lines 24-28 of the application states:

> To implement the above example, each player would be issued or would select six game cards, with each game card associated with a particular robot and that robot's primary weapon, special weapon, defensive weapon, armor rating, speed rating, resistances, and vulnerabilities. No two robots have the same characteristics although players can be issued duplicate robot cards.

Lebensfeld et al., U.S. Patent No. 6,261,180, discloses a computer-programmable toy shooting game in which the users can pre-select certain "functions and features" (rather than game characters as in applicant's claim 1). Column 8, lines 1-36 list the following features: game function (opposing teams, hunted, return to base, every man for himself, etc.); team selection; download from base to gun; reload gun; upload from gun to base; display data (team data and player data); print date. The toy gun emits infrared light that is coded with a unique code, so that the player who is hit can identify which gun fired a particular shot (column 8, lines 37-41).
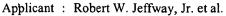
The additional features and functions disclosed in the other Lebensfeld et al. patent cited by the Examiner (U.S. Patent No. 6,302,796) similarly fall far short of a plurality of user-selectable game characters, each having differing predetermined characteristics, as required by applicant's claim 1. Rather, this patent merely shows functions and features such as rapid fire, super rapid fire, max blast, blast shield, etc. This merely provides an experience of selecting from an arsenal of weapons, rather than the experience of selecting from a plurality of user-selectable game characters having differing predetermined characteristics.

The invention of claim 14 as amended provides an electronic toy gun for a toy shooting game, in which an infrared beam is emitted successively at each of a plurality of differing strengths and encoded differently at each of the differing strengths. An infrared beam emitted by another toy gun is detected at each of the plurality of differing strengths along with the differing encodings of the infrared beam. The detected infrared beam is categorized within one of a plurality of strength categories by determining whether the infrared beam detected by the beam detector is above a minimum threshold when encoded according to each of the differing encodings.

Thus, the invention of claim 14 provides a unique technique for determining the distance of another toy gun that fires a shot. The invention of claim 14 does not simply provide a way for the players to increase or decrease the range of their weapons, but rather provides a mechanism (emitting at each of a plurality of strengths, encoded differently at each strength) whereby the player that detects the shot can categorize it within one of a plurality of "strength categories," as an indirect measure of the distance from which the shot was fired.

By providing a way for the recipient of the infrared beam to categorize the detected infrared beam within one of a plurality of strength categories, as an indirect measure of distance, it is possible to provide enhanced sophistication to the toy shooting game. For example, the extent to which the shot damages the player that receives it can depend on the "strength category" combined with such factors as the vulnerability of the player that receives the shot (such as whether the player is protected by an armor shield, for example), the "range" of the shooter's weapon, and the nature of the shooter's weapon.

The Examiner notes that Lebensfeld et al., U.S. Patent No. 6,261,180, discloses that the Survivor Shot toy is adjustable to project light for long ranges or short ranges (column 1, lines 46-50). The invention of claim 14 goes far beyond mere adjustability between short and long ranges. The Lebensfeld '180 patent discloses nothing about emitting an infrared beam successively at each of a plurality of differing strengths and encoding it differently at each of the differing strengths, detecting an infrared beam at each of the plurality of differing strengths along with the differing encodings of the infrared beam, or categorizing an infrared beam within one of a plurality of strength categories by determining whether the infrared beam detected by the beam detector is above a minimum threshold when encoded according to each of the differing encodings, as required by claim 14.

Enclosed is a $55 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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